

**House File 2408 - Introduced**

HOUSE FILE 2408  
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO HSB 518)

**A BILL FOR**

1 An Act modifying notification requirements applicable to  
2 underground facility excavations where underground  
3 facilities are present.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 480.4, subsection 1, paragraph a, Code  
2 2014, is amended to read as follows:

3 a. Except as otherwise provided in this section, prior to  
4 any excavation, an excavator shall contact the notification  
5 center and provide notice of the planned excavation. This  
6 notice must be given at least forty-eight hours prior to the  
7 commencement of the excavation, excluding Saturdays, Sundays,  
8 and legal holidays. Notice shall not be given more than ten  
9 calendar days prior to the commencement of the excavation,  
10 excluding Saturdays, Sundays, and legal holidays. Notices  
11 received after 5:00 p.m. shall be processed as if received at  
12 8:00 a.m. the next business day. The notice shall be valid  
13 for twenty calendar days from the date the notice was provided  
14 to the notification center. If all locating and marking of  
15 underground facilities is completed prior to the expiration of  
16 the forty-eight-hour period, the excavator may proceed with  
17 excavation upon being notified by the notification center that  
18 the locating and marking of all underground facilities is  
19 complete. The notification center shall establish a toll-free  
20 telephone number to allow excavators to provide the notice  
21 required pursuant to this subsection.

22 Sec. 2. Section 480.4, subsection 1, Code 2014, is amended  
23 by adding the following new paragraph:

24 NEW PARAGRAPH. e. At the time of giving notice to the  
25 notification center pursuant to this subsection, an excavator  
26 shall use white paint, white flags, white stakes, or a  
27 combination thereof, to mark the proposed area of excavation,  
28 unless one of the following applies:

29 (1) The precise location, direction, size, and length of the  
30 proposed excavation area can be clearly and adequately defined  
31 and described during the call to the notification center or  
32 during an onsite preconstruction meeting.

33 (2) Electronic means of white-lining is supported by the  
34 notification center and used by the excavator.

35 (3) Physical premarking can be shown to be impractical.

1     Sec. 3. Section 480.4, subsection 3, paragraph a,  
2 subparagraph (1), Code 2014, is amended to read as follows:

3     (1) An operator who receives notice from the notification  
4 center shall mark the horizontal location of the operator's  
5 underground facility and the excavator shall use due care  
6 in excavating in the marked area to avoid damaging the  
7 underground facility. The operator shall complete such  
8 locating and marking, and shall notify the notification  
9 center that the marking is complete within forty-eight hours  
10 after receiving the notice, excluding Saturdays, Sundays,  
11 and legal holidays, unless otherwise agreed by the operator  
12 and the excavator. No later than the expiration of the  
13 forty-eight-hour period, excluding Saturdays, Sundays, and  
14 legal holidays, the notification center shall notify the  
15 excavator of the underground facility locating and marking  
16 status, or the failure of the operator to notify the center  
17 that the locating and marking is complete. The locating and  
18 marking of the underground facilities shall be completed at no  
19 cost to the excavator. If, in the opinion of the operator, the  
20 planned excavation requires that the precise location of the  
21 underground facilities be determined, the excavator, unless  
22 otherwise agreed upon between the excavator and the operator,  
23 shall hand dig test holes to determine the location of the  
24 facilities unless the operator specifies an alternate method.

25     Sec. 4. Section 480.4, subsection 3, paragraph a, Code 2014,  
26 is amended by adding the following new subparagraph:

27     NEW SUBPARAGRAPH. (3) Unless otherwise agreed by the  
28 operator and excavator in writing, no excavation shall be  
29 performed within twenty-five feet of an underground natural  
30 gas transmission line as defined in 49 C.F.R. pt. §192.3  
31 unless a representative of the operator of the underground  
32 natural gas transmission line is present at the planned  
33 excavation area. This requirement shall not apply, however,  
34 when a representative of the operator fails to be present at  
35 the proposed excavation area at the time work is scheduled

1 to commence or as otherwise agreed by the operator and  
2 excavator in writing. In this event, the excavator shall  
3 notify the operator that the representative failed to appear,  
4 and excavation operations can begin, provided reasonable  
5 precautions are taken to protect the underground facilities.

6 Sec. 5. Section 480.4, subsection 3, paragraph b, Code 2014,  
7 is amended to read as follows:

8 *b.* An operator who receives notice from the notification  
9 center and who determines that the operator does not have  
10 any underground facility located within the proposed area of  
11 excavation shall notify the ~~excavator~~ notification center  
12 concerning this determination prior to the indicated date of  
13 commencement of excavation within forty-eight hours after  
14 receiving the notice, excluding Saturdays, Sundays, and legal  
15 holidays. No later than the expiration of the forty-eight-hour  
16 period, excluding Saturdays, Sundays, and legal holidays,  
17 the notification center shall notify the excavator that the  
18 operator does not have any underground facilities within the  
19 proposed area of excavation.

20 Sec. 6. Section 480.4, subsection 3, Code 2014, is amended  
21 by adding the following new paragraph:

22 NEW PARAGRAPH. *d.* For the purposes of this chapter,  
23 notifications provided to the excavator by the operator or  
24 by the notification center shall be provided in a consistent  
25 manner to be established by the board.

26 Sec. 7. NEW SECTION. **480.10 Communications not precluded.**

27 This chapter shall not be interpreted to preclude an  
28 excavator, an operator, or the notification center from having  
29 or engaging in communications in addition to the notification  
30 requirements specified in this chapter.

31 EXPLANATION

32 The inclusion of this explanation does not constitute agreement with  
33 the explanation's substance by the members of the general assembly.

34 This bill modifies notification requirements applicable to  
35 excavations where underground facilities are present.

1 Currently, an excavator is required to provide notice to  
2 the notification center established in Code chapter 480 of a  
3 planned excavation at least 48 hours prior to the excavation,  
4 excluding Saturdays, Sundays, and legal holidays. The bill  
5 adds the requirement that the notice not be provided more than  
6 10 calendar days prior to the commencement of the excavation,  
7 excluding Saturdays, Sundays, and legal holidays, and that  
8 notices received after 5:00 p.m. shall be processed as if  
9 received at 8:00 a.m. the next business day. The bill also  
10 provides that the notice shall be valid for 20 calendar days  
11 from the date it was provided to the notification center. The  
12 bill provides that if all locating and marking of underground  
13 facilities is completed prior to the expiration of the 48-hour  
14 period, the excavator may proceed with excavation upon being  
15 notified by the notification center that the locating and  
16 marking of all underground facilities is complete. The bill  
17 provides that in addition to providing notice of a proposed  
18 excavation, an excavator shall use white paint, white flags,  
19 white stakes, or a combination thereof to mark the proposed  
20 area of excavation unless the precise location, direction,  
21 size, and length of the proposed excavation area can be  
22 clearly and adequately defined and described during the call  
23 to the notification center or during an onsite preconstruction  
24 meeting, unless electronic means of white-lining is supported  
25 by the notification center and used by the excavator, or unless  
26 physical premarking is shown to be impractical.

27 The bill additionally provides that an operator who receives  
28 notice from the notification center of a proposed excavation  
29 and who complies with locating and marking requirements within  
30 the currently required 48-hour time frame excluding Saturdays,  
31 Sundays, and legal holidays, must notify the notification  
32 center that the marking is complete within that same time  
33 frame. The bill provides that no later than the expiration of  
34 the 48-hour period, excluding Saturdays, Sundays, and legal  
35 holidays, the notification center shall notify the excavator of

1 the underground facility locating and marking status, or the  
2 failure of the operator to notify the center that the locating  
3 and marking is complete.

4 Further, the bill provides that unless otherwise agreed by  
5 the operator and excavator in writing, no excavation shall  
6 be performed within 25 feet of an underground natural gas  
7 transmission line or other underground facility designated  
8 a critical facility by an operator, unless a representative  
9 of the operator of the underground natural gas transmission  
10 line or designated critical facility is present at the planned  
11 excavation area. The bill provides that this requirement does  
12 not apply, however, when a representative of the operator fails  
13 to be present at the time work is scheduled to commence or as  
14 otherwise agreed and that in this event the excavator shall  
15 notify the operator of the failure to appear and may begin  
16 excavation operations.

17 Finally, the bill provides that an operator who receives  
18 notice from the notification center and who determines that the  
19 operator does not have any underground facility located within  
20 the proposed area of excavation shall notify the notification  
21 center, with the notification center then notifying the  
22 excavator, of this fact, rather than direct notification by the  
23 operator to the excavator as currently required, and that this  
24 notification shall be provided to the excavator within 48 hours  
25 after receiving the notice, excluding Saturdays, Sundays, and  
26 legal holidays.